REMARKS

Claims 30-37 are presently pending.

Claim Rejections -- 103

Claims 30, 31, 33, 35, and 36 are rejected under 35 USC 103(a) as being unpatentable over Ogata et al. (U.S. Patent No. 6,733,243) (hereinafter "Ogata"). The Applicants traverse this rejection.

Claim 30, for example, recites:

> A system comprising:
> a user interface configured to receive an identification of a lot to be processed on a process machine;
> a plurality of stockers within a first closeness to the process machine; and
> an engine coupled to the user interface and configured
> to determine if the lot is located outside of the first closeness, and
> to generate staging instructions to move the lot to a selected one of the plurality of stockers based at least in part on said determining if the lot is located outside of the first closeness and relative utilization of the plurality of stockers.

It is clear that the novel relationship recited in claim 30, for example, is not made obvious by the teachings of Ogata.

In the Office Action, Figures 3 and 5 of Ogata are relied upon to meet various elements of the above claim. Referring to Figure 5, and associated discussion in column 8, lines 5-14, Ogata discloses a system where a pod, after it is finished with a first process machine 11 and subsequently stored in stocker 10, is sent to a stocker 50 associated with a second process machine 53. If, however, the stocker 50 is full, the pod will be transported to a buffer stocker 70. Once the stocker 50 opens up, the pod will be sent from the buffer stocker 70 to the stocker 50. This is different than the subject matter recited in claim 30, for example.

The differences between Ogata and the subject matter of claim 30 include, but are not limited to, an engine to determine if a lot is located outside of a first closeness to a process machine (inside of which a plurality of stockers are located) and to generate staging instructions to move the lot to a selected one of the plurality of stockers.

A closeness to the process machine is never discussed or suggested in Ogata. Therefore, Ogata cannot, and does not, rely on said closeness as a basis for a subsequent determination of whether the lot is outside of said closeness or for the selection of which of the plurality of stockers within said closeness, to which to move the lot to.

It appears that the Examiner has relied on an ad hoc determination that Ogata inherently discloses a "closeness" that encompasses the bay 5 and buffer stocker 70. However, this is improper because the controller in Ogata will not make a determination of whether the pod is outside of this arbitrarily designated "closeness." The controller in Ogata, at most, may make a determination that the pod is not within the target stocker, i.e., stocker 50 in the above example. If the pod is not within the target stocker, the pod may be moved to the target stocker or, in the event the target stocker is full, to a temporary buffer stocker, i.e., stocker 70. However, if closeness is defined thusly, i.e., as the target stocker, there would not be a plurality of stockers within said closeness, as recited in claim 30, for example.

Furthermore, the inapplicability of this ad hoc "closeness" definition to the "closeness" discussed in claim 30, is further evident if the scenario is changed slightly. For example, consider a pod that was processed on machine 43 and was then scheduled to be processed on machine 21. If stocker 20 was full, then the pod would be sent to the buffer stocker 70. The buffer stocker 70 is even further away from machine 21 than machine 43 and therefore, when the stocker 20 becomes available, the pod must be transferred from a further distance.

Given the same scenario, with the benefit of the teachings of embodiments of the present invention, a first closeness from machine 21 could be defined such that it encompasses the stockers 10 and 30. It may be determined that the pod, after being processed on machine 43, is outside of the first closeness. The pod may then be transferred to one of the three stockers within the first closeness, e.g., stockers 10, 20, or 30. As a result, subsequent delays due to transferring the pod could potentially be reduced.

Because there is no "first closeness" defined or relied upon in Ogata there can be no determination of whether a pod is outside of said closeness, nor can there be a plurality of stockers within said closeness.

Because there is no teaching, in Ogata or elsewhere, to modify Ogata to overcome these differences, the subject matter of claim 30 would not have been obvious in view of Ogata.

Claim 30 is patentable over Ogata for at least these reasons. Furthermore, claims 31-37 depend from claim 30 and are therefore patentable for at least the reasons given above.

CONCLUSION

In view of the foregoing, the Applicant respectfully submits that claims 30-37 are in condition for allowance. Thus, early issuance of Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2972.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Nathan R. Maki
Registration No. 51,110

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Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981